

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 14, 2002
8:30 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens

Commissioners Absent: Kathy Campbell

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:32 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF TUESDAY, FEBRUARY 5, 2002 AND THURSDAY, FEBRUARY 7, 2002

MOTION: Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of February 5, 2002 and February 7, 2002. Hudkins, Stevens and Workman voted aye. Heier abstained from voting. Motion carried.

2 ADDITION TO THE AGENDA

A. Meeting to Discuss the Malone Community Center

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- Legislature must address a projected \$80 million shortfall (could increase to \$160 million if the current trend continues). Across the board percentage reductions for agencies and an increase in taxes may be necessary. It appears unlikely that any bills with significant budgetary impact will be passed this session.
- It appears that many of the senators' priority bills will not be debated this year.
- Government Committee heard LB 1123 (provide an exception to competitive bidding requirements under the County Purchasing Act) on February 13, 2002.
- LB 1115 (authorize Drug Court programs) is scheduled for hearing before the Judiciary Committee today.

MOTION: Hudkins moved and Stevens seconded to authorize Gordon Kissel, Legislative Consultant, to contact Senator Aguilar and Joe Steele, State Court Administrator, and to try to attach an amendment to LB 1115 authorizing State Probation to work with County Drug Court Programs.

Dave Kroeker, Budget and Fiscal Officer, appeared and reported that Ed Birkel, State Probation Administrator, plans to meet with the State Auditor of Public Accounts to discuss the conflict resulting from laws that govern how the County pays for services and the way State Probation is able to provide services to the Drug Court. He suggested delaying further action until there is a response from the State Auditor as to whether upfront payment to State Probation by the County would be deemed a violation of state law.

ON CALL: Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- LB 1285 (create the Livestock Industry Issue Task Force) would allow the task force to make recommendations, but not impose changes in the current zoning statutes without Legislative approval.
- An amendment (AM2461) has been filed to LB 1240 (change city and county responsibilities and funds under the Nebraska Visitors Development Act) that would increase the population criteria from 100,000 to 200,000.
- Revenue Committee will hear LB 1242 (change distribution of inheritance tax revenue) and LB 1243 (change the inheritance tax exemption) on February 21, 2002.

The Board reviewed a draft of a letter to the Revenue Committee expressing the County Board's concerns regarding LB 1242 and LB 1243 (see agenda packet) and struck the word "administrative" from the second bullet point on Page 2 of the letter.

MOTION: Hudkins moved and Stevens seconded to:

1. Oppose LB 1242 and LB 1243
2. Send the letter to the Revenue Committee, with signature by the Board
3. Direct Gordon Kissel, Legislative Consultant, to lobby in opposition to LB 1242 and LB 1243

Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- Senator Beutler's motion to pull LB 447 (provides for acquisition of country roads through arbitration) from the Transportation Committee is scheduled to be heard today.

Heier asked Kissel to research LB 1277 (provides for agreements between parents and the Department of Health and Human Services for services for their children).

Kissel also disseminated *Appropriations Committee Preliminary Report* (Exhibit B).

4 NURSING HOME BUDGET CUTS AND PATIENT RECLASSIFICATION - Larry Van Hunnik, Lancaster Manor Administrator

Larry Van Hunnik, Lancaster Manor Administrator, reviewed the following (Exhibit C):

- *Nebraska Average Case Mix Calculation Worksheet*
- *State of Nebraska, Health and Human Services System, Rate Notification*
- Letter from Nebraska Health and Human Services (HHS), Medicaid Division, explaining an adjustment of payment rate for Levels 35 and 36

Van Hunnik said Lancaster Manor received a rate notification from the State in January, 2002, using 2000 as the base year, and said it was noted that the State had underfunded Lancaster County in 2000 (\$600,000 to \$800,000). He said Lancaster Manor received a 12.65% increase in 2001 and is projected to receive a 6.36% increase in 2002. A re-basing will occur the end of next year.

Van Hunnik said HHS had originally projected that patient reclassifications would reduce the annual reimbursement to Lancaster Manor by \$324,000. He said he had projected that the reduction would be \$200,000, based on a current census of 15 residents in Levels 35 and 36.

Van Hunnik noted that a classification to Level 35 or 36 may be appealed, with possible reclassification to a Level 51 category. He also explained that governmental facilities that are underfunded in the nursing category may apply to be paid at a different level (60% of the difference).

Dave Kroeker, Budget and Fiscal Officer, asked whether the County can deny additional Level 35 and 36 admissions.

Van Hunnik said yes, or it could opt to run one of Lancaster Manor's wings as Assisted Living. He recommended that the County "sit tight", inform Governor Johanns of current statistics and support any legislation that would cover the funding gap.

5 REQUEST FOR WAGE ASSIGNMENT FROM PAYROLL LOANS DIRECT LIMITED PARTNERSHIP - Dave Johnson, Deputy County Attorney; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office

Dave Johnson, Deputy County Attorney, reported on receipt of a request from Payroll Loans Direct Limited Partnership for an employee payroll deduction.

MOTION: Heier moved and Stevens seconded to deny the request. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

6 COUNTY FINAL PLAT NO. 01036, PRAIRIE VISTA, NORTH 176TH AND FLETCHER AVENUE; PRELIMINARY PLAT NO. 01018 AND COUNTY SPECIAL PERMIT NO. 190 (COMMUNITY UNIT PLAN), DEER TRAIL (FORMERLY KNOWN AS DEER FIELD), HIGHWAY 77/SOUTH 12TH STREET AND MARTELL ROAD - Mike DeKalb, Planning Department

County Final Plat No. 01036

Mike DeKalb, Planning Department, reviewed County Final Plat No. 01036, Prairie Vista, a final plat consisting of six lots on property generally located south of North 176th Street and Fletcher Avenue (Exhibit D). He said a neighbor to the south requested more protection from Lot 3 than the 15 foot setback required under Agricultural Residential (AGR) zoning and a compromise was reached to include an administrative amendment to the Community Unit Plan, changing the yard setback to ten percent of the lot width.

Heier asked whether the design will accommodate "build through" by the City.

DeKalb said there is room for further splits, although it was not designed for that.

Preliminary Plat No. 01018 and County Special Permit No. 190

DeKalb reviewed Preliminary Plat No. 01018 and Special Permit No. 190, Deer Haven (formerly known as Deer Field), a Community Unit Plan and Preliminary Plat to create five lots and three outlots on property located on Highway 77/South 12th Street and Martell Road (Exhibit E). He said the abutting properties have conservation easements and one neighbor had concerns related to the maintenance of the prairie. The applicant agreed to a smoke easement which will allow the Lower Platte South Natural Resources District (NRD) to burn the prairie for maintenance purposes. DeKalb noted that the Lower Platte South NRD Board did not oppose the application.

Heier expressed concern that the smoke easement could set a precedent.

In response to a question from Workman, DeKalb said other homes in the area (see Exhibit E) would also be impacted by burning of the prairie.

7 POTENTIAL LITIGATION - Diane Staab, Deputy County Attorney

MOTION: Hudkins moved and Stevens seconded to enter Executive Session at 10:23 a.m. for discussion of potential litigation. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

MOTION: Hudkins moved and Heier seconded to exit Executive Session at 10:50 a.m. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8 PROSPECTIVE PURCHASE OF FIREARMS - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Vince Mejer, Purchasing Agent; Mike Thew, Chief Deputy County Attorney

Mike Thew, Chief Deputy County Attorney, said the Sheriff's Office budgeted \$10,000 in Fiscal Year (FY) 2000-01 for firearms. Informal bids were solicited and 30 firearms were purchased from Smith and Wesson in February 2001, for a total price under the \$10,000 limit for sealed bids. He said the same informal bids were used in September, 2001 to purchase additional firearms from the FY 2001-02 budget. The Sheriff's Office was notified that the price per unit had increased and decided to return one firearm to stay under the \$10,000 limit. Smith and Wesson has since agreed to honor the original bid price. Thew reported that the only consultation with the Purchasing Department regarding the informal bids took place in 1999 as part of budget preparation by the Sheriff's Office.

Bill Jarrett, Chief Deputy Sheriff, said the firearms his department wishes to purchase are only available from the manufacturer. Smith and Wesson also allowed a trade-in for the firearms being replaced.

Thew said the best approach may be to have the Board consider this as a special purchase, as it will save the County a substantial amount of money. He said a public hearing will be required and will provide an opportunity for the Sheriff's Office and Purchasing Department to present information and for other potential bidders to testify.

Vince Mejer, Purchasing Agent, said "I can't approve this."

Thew said the September deal has not been consummated and so there has not been a violation of the Purchasing Act.

Terry Wagner, Lancaster County Sheriff, apologized to the Board for his deputy's error in not obtaining three bids before purchase.

MOTION: Heier moved and Stevens seconded to follow the County Attorney's recommendation and schedule consideration of the special purchase on a County Board of Commissioners Meeting agenda. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

9 NATIONAL MANAGEMENT ASSOCIATION UPDATE (LEADERSHIP LINK)

- Bill Kostner, City Risk Manager; Georgia Glass, Personnel Director; Steve Owen, City Public Works/Utilities; Terri Storer, City Attorney's Office, Dave Shively, Election Commissioner; Tom Baumann, Election Commissioner's Office

Georgia Glass, Personnel Director, said the programs the National Management Association (NMA) offers are valuable and provide professional growth for City and County employees.

Bill Kostner, City Risk Manager, said the local chapter, Leadership Link, was formed six years ago with the assistance of the Personnel Department and currently has 85 members.

Terri Storer, City Attorney's Office, said Leadership Link is an inclusive organization and any City or County employee is eligible to join. She said benefits include the following :

- Professional and personal development
- Communication
- Networking
- Discussion of common issues
- Educational opportunities

Steve Owen, City Public Works/Utilities, reported on professional development program activities (Exhibit G).

Dave Shively, Election Commissioner; and Tom Baumann, Election Commissioner's Office, relayed how they have benefitted from belonging to Leadership Link.

Kostner invited members of the Board to attend a Leadership Link meeting.

10 ADULT CORRECTIONS COORDINATOR - Mike Thurber, Corrections Director

Mike Thurber, Corrections Director, reported that he is working with the Personnel Department to develop a job description for the Adult Corrections Coordinator.

Heier and Hudkins said they believe the position should be directly accountable to the Board of Corrections.

Eagan reported on a meeting held with Mayor Wesely to discuss a proposed change to the interlocal agreement with the City for jail services to make the City responsible for medical expenses for prisoners injured by the police during apprehension. He said Tom Casady, Chief of Police, proposed that the cost be built into the rate base, but said the Nebraska State Patrol and Lancaster County Sheriff pay this cost separately, not as part of their rate base.

Thurber noted that 68% of the jail's offenders are brought in by the Lincoln Police Department.

Eagan suggested further research to determine whether risk management is an option.

11 ACTION ITEMS

- A. Appointment of a County Commissioners to Lancaster County Agricultural Society Selection Committee for Events Center Director

MOTION: Hudkins moved and Stevens seconded to appoint Heier to serve on the committee. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- B. Nebraska Association of County Officials (NACO) Southeast District Meeting, March 14, 2002

MOTION: Heier moved and Hudkins seconded to approve attendance at the meeting and to schedule a Staff Meeting on Tuesday, March 12, 2002 at 9 a.m. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- C. Authorize Closure of Juvenile Detention Center Construction Bond Fund

MOTION: Hudkins moved and Heier seconded approval. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Cable Television for Lancaster County Youth Services Center

Eagan estimated the cost of the installation at \$5,000.

MOTION: Heier moved and Stevens seconded to authorize the expenditure from the Building Fund. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- B. Bioterrorism Table-top Exercise, March 8, 2002 at County Extension Office (444 Cherrycreek Drive)

Hudkins will attend the table-top exercise.

- C. Drug Court's Contract with State Probation

Dave Johnson, Deputy County Attorney, appeared and explained that the County Attorney's Office still has concerns regarding the Board's authority to advance funds prior to the delivery of services (a quarterly payment).

Workman expressed concern that failure to resolve the matter may jeopardize the Drug Court program.

The Board asked Johnson to draft amendment language for LB 1115 (authorize Drug Court programs) for Gordon Kissel, Legislative Consultant, to present to the Nebraska Legislature's Judiciary Committee.

Eagan suggested that formation of a Joint Public Agency (JPA) may be another avenue to explore.

D. Billings from Nebraska Department of Health and Human (HHS) Regarding Competency Evaluations

Eagan reported that Nebraska Department of Health and Human (HHS) has been billing the County directly instead of having the billings certified by the District Court, as required by State law.

MOTION: Heier moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to schedule the claims from the Nebraska Department of Health and Human (HHS) for competency evaluations on a County Board of Commissioners Meeting agenda. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

E. Issuance of Check to Union Pacific Railroad Company for Purchase of Abandoned Corridor (Homestead Heritage Trail)

Eagan reported that the funds are due on February 28, 2002.

F. Review of Exempt County Positions Under the Fair Labor Standards Act

Eagan said the County Attorney's Office has offered to assist the Personnel Department in reviewing the positions.

G. Back Rent Owed by Family Services at Trabert Hall

MOTION: Hudkins moved and Heier seconded to authorize the County Attorney to collect the back rent owed by Family Services. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

H. Update on Web Design Agreement with Citizen Information Center (CIC)

Gwen Thorpe, Deputy Chief Administrative Officer, reported on development of an agreement with Citizen Information Center (CIC) for design of the portal page for the joint City/County website.

Thorpe also recommended that the County have four representatives on the Web Advisory Committee.

I. Report from Voorhis/Robertson Justice Services

Item dropped from the agenda.

J. Health Insurance Portability and Accountability Act (HIPPA) Seminar in Omaha, Nebraska (April 24, 2002)

MOTION: Hudkins moved Stevens seconded to authorize Diane Staab, Deputy County Attorney, and Sue Eckley, Workers' Compensation & Risk Management Manager, to attend, with funding from the Contingency Fund. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

K. Picture Identifications for Assessment Center and Families First & Foremost (F³) Employees

Eagan reported that Property Management will provide the picture identifications.

L. Meeting with Union Pacific Railroad Company Regarding Access to Kawasaki Motors Plant

Workman and Hudkins will attend the meeting.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Meeting with Mayor Wesely - Heier, Workman

Workman reported that Mayor Wesely is withdrawing a pledge of \$50,000 (\$25,000 from the City and \$25,000 from Lincoln Electric System) to the Lincoln Partnership for Economic Development (LPED) for a Technology Development Project Coordinator and an Economic Development Project Manager. The Mayor plans instead to add an economic development position to his staff that will not be connected to LPED. He said the University of Nebraska at Lincoln (UNL) has not decided whether to pull its \$25,000 contribution, noting it was UNL's intent to have a liaison to LPED, not add to LPED's employee base. Workman said Mayor Wesely has encouraged the County to proceed with its \$25,000 contribution to LPED.

Hudkins said he would like to see additional representation on the LPED Board.

Board consensus to schedule additional discussion with representatives from the Mayor's Office and UNL.

Workman said additional discussion focused on the following:

- LB 936 (authorize drainage programs and storm sewer systems for cities, villages, and natural resources districts)
- Joint City/County website
- Nash Finch building

Hudkins requested that the Chair and Vice Chair discuss the issue of representation on the Planning Commission with the Mayor.

Heier suggested a review of interlocal agreements and appointments.

MOTION: Hudkins moved and Heier seconded to review the County's share of funding of the Planning Department to see whether it is commiserate with its appointments to the Planning Commission and to direct the Chair and Vice Chair to discuss a review of the appointment process for the Planning Commission with Mayor Wesely. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- B. Meeting with Lincoln Convention & Visitors Bureau (CVB) and Hotels - Heier, Workman

Workman reported that he and Heier attended meetings with representatives of the downtown hotels, outlying hotels and the Convention and Visitors Bureau (CVB). He presented a list of items the downtown hotels would like to see addressed (Exhibit H).

MOTION: Heier moved and Hudkins seconded to:

- A. Put the contract to administer proceeds of the County Visitor Promotion Fund up for bids and ask the tourist industry to address the items on the list:
 1. Review International Association of Convention and Visitors Bureau (IACVB) listing of national and state conventions
 2. Develop a written comprehensive business plan
 3. Visit the Convention and Visitors Bureaus in comparable cities
 4. Develop a more experienced sales staff
 5. Improve exchange of information between the Convention and Visitors Bureau and hotels regarding availability of rooms and facilities
 6. Update State Statutes and bylaws governing the Visitors Promotion Advisory Committee (VPAC)
- B. Ask members of the tourist industry to indicate what they would like to see in a Request for Proposals (RFP).
- C. Ask the Purchasing Department to consider incorporating these items, as well as other suggestions from the tourist industry, in developing a Request for Proposal (RFP).

Eagan suggested that the list be forwarded to the CVB, asking them to meet with the hotel industry to address concerns and report back to the Board in a quarterly meeting.

Workman expressed concern that incorporating the list into the RFP may give the appearance that the County Board is serving one entity. He said he would prefer a generic RFP.

Hudkins said he would like input from the Visitors Promotion Advisory Committee (VPAC), including whether to expand that committee.

ON CALL: Hudkins and Heier voted aye. Stevens and Workman voted no. Motion failed.

MOTION: Hudkins moved and Stevens seconded to direct the Purchasing Department to develop a Request for Proposals (RFP), with the assistance of Kerry Eagan, Chief Administrative Officer, for continued services for Visitors Development Fund, incorporating any correspondence the County Board has received in relation to this issue and addressing concerns that have been brought forward to the County Board.

Stevens suggested that the Purchasing Department solicit ideas from the tourist industry.

ON CALL: Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to request the Purchasing Department to develop a Request for Information (RFI) to be sent to the Lincoln Lodging Association with a cover letter from the Chair indicating that the County Board has decided to proceed with a Request for Proposals (RFP) for the contract and requesting their input in development of the Request for Proposals (RFP) .

FRIENDLY AMENDMENT: Hudkins requested that the letter be sent to any property contributing to the Convention and Visitors Bureau through the lodging tax.

ON CALL: Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

C. Meeting Regarding Jail Interlocal Agreement - Heier, Workman

See Agenda Item 10.

D. Region V Governing Board - Heier

Heier reported that he requested a correction to the minutes of the December 3, 2001 Region V Governing Board Executive Committee Meeting to reflect that there was a request by a member of that body for Lancaster County to withdraw from Region V.

Heier reported that the Requests for Proposals were approved.

Jill Rubottom, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, appeared and reported that the Lincoln Interfaith Council is appealing action to award a Bi-Lingual/Bi-Cultural Service Coordination grant to Lutheran Family Services in collaboration with the Hispanic Community Center (Exhibit I).

Heier also reported that he has requested time at the March 11, 2002 Region V Governing Board meeting to respond to questions regarding Families First & Foremost (F³) (Exhibit J).

E. Families First & Foremost (F³) Conveners Group - Heier, Stevens

Stevens reported that the Nebraska Department of Health and Human Services (HHS) has asked Families First & Foremost (F³) to duplicate a program in Region III to provide services to 160-200 youth. He said this may help with sustainability of the F³ Grant.

F. Public Building Commission - Campbell, Hudkins

Hudkins reported that Sinclair Hille & Associates Inc. was selected as the architect for the north parking garage.

G. Board of Health - Hudkins

Hudkins reported that discussion focused on issues related to body piercing and tattooing.

ADDITION TO THE AGENDA

A. Meeting to Discuss the Malone Community Center

Stevens reported that a group of funders met on February 13, 2002 to discuss how to assist the Malone Community Center. He said it was proposed that Dana F. Cole & Company provide a financial assessment and that Cedars Youth Services provide management services. Stevens said the Malone Center Foundation is willing to make some funds available, on an interim basis.

Stevens noted that the Joint Budget Committee (JBC) plans to discuss the Malone Community Center situation at its next meeting and may make recommendation.

14 CORRESPONDENCE TO THE COUNTY BOARD

A. Correspondence from Kelly Moore Guenzel Handlos, Clerk of the District Court

Dave Kroeker, Budget and Fiscal Officer, appeared and recommended that the Clerk of the District Court 's Office contract with the State Auditor of Public Accounts for bank account reconciliation.

MOTION: Hudkins moved and Heier seconded to recommend that the State Auditor of Public Accounts be utilized to assist the Clerk of the District Court's Office with bank account reconciliation. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

15 EMERGENCY ITEMS AND OTHER BUSINESS

The Board scheduled a Staff Meeting on March 12, 2002 at 9 a.m.

16 ADJOURNMENT

MOTION: Stevens moved and Heier seconded to adjourn the meeting at 1:05 p.m. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk